UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/639
20 November 1997
ENGLISH
ORIGINAL: SPANISH

Fifty-second session
Agenda item 107

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Report of the Third Committee

Rapporteur: Mrs. Mónica MARTÍNEZ

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Committee considered the item at its 23rd to 26th, 31st, 32nd, 37th and 41st meetings, on 3, 4, 10, 11, 14 and 18 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.23-26, 31, 32, 37 and 41).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the United Nations High Commissioner for Refugees (A/52/12);[1]

[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 12 (A/52/12).

(b) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session;[2]

(c) Report of the Secretary-General on assistance to unaccompanied refugee minors (A/52/273);

(d) Report of the Secretary-General on follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (A/52/274 and Corr.1);

(e) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/52/360);

(f) Letter dated 7 March 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General (A/52/97);

(g) Letter dated 14 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General transmitting a copy of the report on the policy of ethnic cleansing/genocide conducted in the territory of Abkhazia, Georgia, and the necessity of bringing to justice the persons who committed those crimes (A/52/116-S/1997/317);

(h) Letter dated 11 November 1997 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General (A/C.3/52/6).

4. At the 23rd meeting, on 3 November, the United Nations High Commissioner for Refugees made an introductory statement (see A/C.3/52/SR.23).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.27

5. At the 31st meeting, on 10 November, the representative of Lesotho, on behalf of States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/52/L.27).

6. In introducing the draft resolution, the representative of Lesotho orally revised it as follows:

(a) A new preambular paragraph was inserted after the sixth preambular paragraph, reading:

> "Welcoming further the outcome of the ministerial meeting of the Security Council on the situation in Africa, held on 25 September 1997, and the attention that was given to the issue of refugees, returnees and displaced persons in Africa";

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[2] Ibid., Supplement No. 12A (A/52/12/Add.1).

(b) In operative paragraph 2, the words "the declining socio-economic situation, compounded by" were inserted between the words "Notes with concern that" and "political instability";

(c) Operative paragraph 14, which read:

"Encourages the Office of the High Commissioner to continue to promote and protect all human rights and fundamental freedoms in emergency humanitarian situations in Africa";

was revised to read:

"Encourages the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights, within their respective mandates, in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa";

(d) In operative paragraph 19, the phrase "a permanent solution" was replaced by the phrase "a durable solution".

7. At its 37th meeting, on 14 November, the Committee adopted draft resolution A/C.3/52/L.27, as orally revised, without a vote (see para. 24, draft resolution D).

B. Draft resolution A/C.3/52/L.28

8. At the 32nd meeting, on 11 November, the representative of the Russian Federation, on behalf of Armenia, Belarus, Canada, Denmark, Finland, France, Georgia, Germany, Greece, Italy, Kyrgyzstan, Luxembourg, Norway, Portugal, the Russian Federation, Sweden, Tajikistan and the United States of America, introduced a draft resolution entitled "Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States" (A/C.3/52/L.28). Subsequently, Japan and Turkmenistan joined in sponsoring the draft resolution.

9. At its 37th meeting, on 14 November, the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution. Subsequently, Austria, Belgium, Iceland, Ireland, the Netherlands and Spain, also joined in sponsoring the draft resolution.

10. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.28 without a vote (see para. 24, draft resolution II).

11. Before the adoption of the draft resolution, a statement was made by the representative of Ukraine; after the adoption of the draft resolution, a statement was made by the representative of Azerbaijan.

C. Draft resolution A/C.3/52/L.29

12. At the 32nd meeting, on 11 November, the representative of Finland, on behalf of Andorra, Antigua and Barbuda, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, Nepal, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/52/L.29). Subsequently, Afghanistan, Albania, Burkina Faso, Colombia, Côte d'Ivoire, Croatia, Guatemala, Guinea-Bissau, Kenya, Malawi, Morocco, Mozambique, Nicaragua, the Republic of Korea, Romania, Suriname, Turkmenistan and Uganda joined in sponsoring the draft resolution.

13. At the 37th meeting, on 14 November, the representative of Finland orally revised the text by inserting a new operative paragraph after paragraph 9, reading:

> "10. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions".

The subsequent paragraphs were renumbered accordingly.

14. At the same meeting, Argentina, Belarus, Brazil, Burundi, Chad, Gabon, the Marshall Islands, Nigeria and Tajikistan joined in sponsoring the revised draft resolution. Subsequently, Cameroon, Colombia, the Congo, Guinea, Israel, Micronesia (Federated States of), Niger, Paraguay, Samoa, Togo, Trinidad and Tobago, Turkmenistan and Ukraine also joined in sponsoring the revised draft resolution.

15. Also at the 37th meeting, the Committee adopted draft resolution A/C.3/52/L.29, as orally revised, without a vote (see para. 24, draft resolution III).

16. After the adoption of the draft resolution, statements were made by the representatives of Singapore and the United Republic of Tanzania.

D. Draft resolution A/C.3/52/L.30

17. At the 31st meeting, on 10 November, the representative of Finland, on behalf of Algeria, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina,

Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guyana, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America, introduced a draft resolution entitled "Continuation of the Office of the United Nations High Commissioner for Refugees" (A/C.3/52/L.30). Subsequently, Afghanistan, Bangladesh, Burkina Faso, Colombia, Côte d'Ivoire, Croatia, Guatemala, Guinea-Bissau, Morocco, Mozambique, Nepal, Nicaragua, Suriname and Uganda joined in sponsoring the draft resolution.

18. At the 37th meeting, on 14 November, Albania, Angola, Argentina, Belarus, Botswana, Brazil, Burundi, Chad, the Congo, Egypt, Haiti, Jamaica, Kenya, Liberia, Malawi, the Marshall Islands, Mongolia, Nigeria, Pakistan, Paraguay, the Republic of Korea, Romania, Saudi Arabia, Sri Lanka, Swaziland, Tajikistan, Thailand, Turkey, Uruguay and Zambia joined in sponsoring the draft resolution. Subsequently, Andorra, Cameroon, Guinea, Iraq, Israel, Mauritania, Micronesia (Federated States of), the Niger, Samoa, San Marino, Senegal, the Sudan, Togo, Trinidad and Tobago, Tunisia, Turkmenistan and Ukraine joined in sponsoring the draft resolution.

19. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.30 by acclamation (see para. 24, draft resolution IV).

E. Draft resolution A/C.3/52/L.26

20. At the 31st meeting, on 10 November, the representative of the Sudan, on behalf of Afghanistan, Bangladesh, Burundi, the Congo, Costa Rica, the Democratic Republic of the Congo, Ethiopia, the Islamic Republic of Iran, Liberia, Malawi, Morocco, Nigeria, Pakistan, the Philippines, Qatar, the Sudan, the Syrian Arab Republic and Turkey, introduced a draft resolution entitled "Assistance to unaccompanied refugee minors" (A/C.3/52/L.26). Subsequently, Colombia, the Dominican Republic, Georgia and Jordan joined in sponsoring the draft resolution.

21. At the 41st meeting, on 18 November, the representative of the Sudan orally revised the draft resolution as follows:

(a) A new operative paragraph was inserted after paragraph 6, reading:

"Calls upon all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 of the 26th International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child

which accord children affected by armed conflict special protection and treatment."

The subsequent paragraphs were renumbered accordingly.

22. At the same meeting, Angola, Côte d'Ivoire, the Dominican Republic, Guinea-Bissau, Mali, the Niger and Tajikistan joined in sponsoring the draft resolution. Subsequently, Israel joined in sponsoring the draft resolution.

23. Also at the same meeting, the Committee adopted draft resolution A/C.3/52/L.26, as orally revised, without a vote (see para. 24, draft resolution V).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 51/71 of 12 December 1996,

Having considered the report of the Secretary-General[3] and the report of the United Nations High Commissioner for Refugees,[4]

Noting with appreciation the efforts expended by countries of asylum in accommodating refugees,

Convinced of the necessity of strengthening the capacity within the United Nations system for the implementation of relief programmes for refugees, returnees and displaced persons,

Welcoming the ongoing process of voluntary repatriation of refugees in some parts of Africa,

Welcoming also the decision on the situation of refugees, returnees and displaced persons in Africa adopted by the Council of Ministers of the

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[3] A/52/360.

[4] Official Records of the General Assembly, Fifty-second Session, Supplement No. 12 (A/52/12).

Organization of African Unity at its sixty-sixth ordinary session held at Harare from 28 to 31 May 1997,[5]

Welcoming further the outcome of the ministerial meeting of the Security Council on the situation in Africa, held on 25 September 1997, and the attention that was given to the issue of refugees, returnees and displaced persons in Africa,

Taking note of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the Southern African Development Community in July 1996 concerning refugees, returnees, displaced persons and undocumented migration in southern Africa,

Taking note also of the memorandum of understanding signed between the Office of the United Nations High Commissioner for Refugees and the Intergovernmental Authority on Development in June 1997 on refugees and returnee issues,

Recalling the provisions of General Assembly resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling also the 1969 Organization of African Unity Convention on Refugees, governing specific aspects of refugee problems in Africa and the African Charter on Human and Peoples' Rights,

Recognizing the need for States to create conditions conducive both to the prevention of flows of refugees and displaced persons and to solutions, especially voluntary repatriation,

Recognizing also the positive outcome of the conflict resolution efforts carried out in the subregion by the Economic Community of West African States, creating a conducive environment for the voluntary repatriation of refugees and displaced persons,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with great concern that despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

1. Takes note of the report of the Secretary-General[3] and the report of the United Nations High Commissioner for Refugees;[4]

2. Notes with concern that the declining socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, such as drought, have led to increased numbers of refugees and displaced persons in some countries of Africa;

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[5] CM/Dec.362 (LXVI).

3. Expresses deep concern at the serious and far-reaching consequences of large numbers of refugees and displaced persons in the receiving countries and the implications for security, long-term socio-economic development and the environment;

4. Expresses concern at instances where the fundamental principle of asylum is jeopardized by the unlawful expulsion, or refoulement, or by threats to the life, physical security, integrity, dignity and the well-being of refugees;

5. Expresses its appreciation and strong support for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and over-stretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

6. Commends the Governments concerned for their sacrifices in providing assistance and protection to refugees, returnees and internally displaced persons and for their efforts to promote voluntary repatriation and other durable solutions;

7. Expresses its gratitude to the international community, and to the Office of the United Nations High Commissioner for Refugees, in particular, for the humanitarian assistance it has continued to render to refugees and displaced persons and to the countries of asylum;

8. Welcomes the strengthening of cooperation between the Office of the High Commissioner and the Organization of African Unity at all levels, and urges the two organizations, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations, the international community and the Governments concerned, to increase efforts aimed at facilitating voluntary repatriation in a dignified and orderly manner and at addressing the root causes of the refugee problem and working out modalities for a lasting solution;

9. Reiterates that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

10. Calls upon the Office of the High Commissioner and other concerned entities to intensify protection activities by, inter alia, supporting the efforts of African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

11. Appeals to Governments, the United Nations, intergovernmental and non-governmental organizations and the international community to create

conditions that can facilitate the voluntary return and the early rehabilitation and reintegration of refugees;

12. Appeals to the international community to respond positively to the third-country resettlement requests of African refugees in the spirit of solidarity and burden-sharing;

13. Commends the Governments of the Great Lakes and West African regions and of the Horn of Africa and the Office of the High Commissioner for their initiatives to promote repatriation within the framework of tripartite agreements on voluntary repatriation of refugees in the regions;

14. Encourages the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights, within their respective mandates, in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

15. Welcomes the ongoing efforts undertaken by the Office of the United Nations High Commissioner for Refugees with host Governments, the United Nations and non-governmental organizations and the international community, in concentrating on the environment and eco-systems of countries of asylum;

16. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

17. Expresses its concern about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing requirements there;

18. Urges the international community to continue to fund the general refugee programmes of the Office of the High Commissioner, taking into account the substantially increased needs of programmes in Africa;

19. Calls upon Governments, United Nations agencies, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system on the basis of the experience of the emergency in the Great Lakes region and to continue to provide needed resources and operational support to refugees and countries of asylum in Africa until a durable solution can be found;

20. Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in areas affected by refugees in countries of asylum;

21. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children;

22. Calls upon the Secretary-General, the Office of the High Commissioner and intergovernmental, regional and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including refugees in urban areas;

23. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-third session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and an oral report to the Economic and Social Council at its substantive session of 1998.

DRAFT RESOLUTION II

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995 and, in particular, 51/70 of 12 December 1996,

Having considered the report of the Secretary-General[6] and the report of the United Nations High Commissioner for Refugees,[7]

Recognizing the acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States,

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration towards developing strategies and practical tools for more effective capacity-

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[6] A/52/274 and Corr.1.

[7] Official Records of the General Assembly, Fifty-second Session, Supplement No. 12 (A/52/12).

building and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Convinced of the necessity for further strengthening of practical measures towards the implementation of the Programme of Action adopted by the Conference,[8]

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support of the national efforts of the countries of the Commonwealth of Independent States aiming at the effective implementation of such responsibilities within the framework of the Programme of Action,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that effective implementation of the recommendations contained in the Programme of Action should be facilitated and can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Noting and reaffirming the importance of the 1951 Convention relating to the Status of Refugees[9] and its 1967 Protocol,[10]

1. Takes note of the report of the Secretary-General[6] and the report of the United Nations High Commissioner for Refugees;[7]

2. Notes the positive results achieved by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in the implementation of the Programme of Action adopted by the Conference and invites these organizations to continue to steer the ongoing and future activities relating to the follow-up of the Conference;

3. Welcomes the efforts of the Governments of those countries of the Commonwealth of Independent States that, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Organization for Security and Cooperation in Europe and the Council of Europe, have undertaken practical steps in the implementation of the Programme of Action;

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[8] A/51/341 and Corr.1, annex, appendix.

[9] United Nations, Treaty Series, vol. 189, No. 2545.

[10] Ibid., vol. 606, No. 8791.

4. Invites all countries that have not yet done so to accede to and implement fully the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

5. Appreciates the efforts made by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe to support the implementation of the Programme of Action in the countries of the Commonwealth of Independent States and underlines the necessity of an appropriate response by the international community to appeals for funds by the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration;

6. Calls upon States and interested international organizations to provide appropriate forms and levels of support for the practical implementation of the Programme of Action in a spirit of solidarity and burden-sharing;

7. Invites international financial and other institutions to contribute to the financing of projects and programmes within the framework of the implementation of the Programme of Action;

8. Invites the countries of the Commonwealth of Independent States to intensify bilateral and subregional cooperation in maintaining the balance of commitments and interests in the process leading up to the implementation of the Programme of Action;

9. Calls upon the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular human rights and refugee protection principles, and to lend high-level political support to ensure progress in its implementation;

10. Emphasizes the necessity of fulfilling the recommendations of the Programme of Action relating to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

11. Urges the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to take into account those elements of the Programme of Action that are relevant to her mandate;

12. Encourages the involvement of intergovernmental and non-governmental organizations in the follow-up to the Conference, inviting them to demonstrate stronger support for the process of the multinational constructive dialogue among a wide range of the countries concerned and further action with a view to the full implementation of the recommendations of the Conference;

13. Calls upon the Governments of the countries of the Commonwealth of Independent States as well as international organizations to further strengthen their cooperation with non-governmental organizations and increase their

involvement in the implementation of the outcome and follow-up of the Conference;

14. Asks also the Office of the United Nations High Commissioner for Refugees to enhance its relationship with other key international actors, such as the Council of Europe, the European Commission and other human rights, development and financial institutions, in order to better address the wide-ranging and complex issues in the Programme of Action;

15. Recognizes the importance of undertaking measures, on the basis of strict adherence to all of the principles of international law including humanitarian law and international human rights standards, to prevent situations leading to new flows of refugees and displaced persons, and other forms of involuntary displacement;

16. Requests the Secretary-General to report to the General Assembly at its fifty-third session on progress achieved in the implementation of the Programme of Action;

17. Decides to continue examination of this question at its fifty-third session under the appropriate agenda item.

DRAFT RESOLUTION III

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[11] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session,[12]

Recalling its resolution 51/75 of 12 December 1996,

Reaffirming the fundamental importance of the 1951 Convention[13] and the 1967 Protocol[14] relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, and noting with satisfaction that one hundred and thirty-five States are now parties to one or both instruments,

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[11] Official Records of the General Assembly, Fifty-second Session, Supplement No. 12 (A/52/12).

[12] Ibid., Supplement No. 12A (A/52/12/Add.1).

[13] United Nations, Treaty Series, vol. 189, No. 2545.

[14] Ibid., vol. 606, No. 8791.

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the deaths of staff members as a consequence of violent events in several countries around the world,

1. Endorses the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session;[12]

2. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees;

3. Deplores the immense human suffering and loss of life that have accompanied refugee flows and other forced displacements, in particular numerous serious threats to the security or well-being of refugees, refoulement, unlawful expulsion, physical attacks and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

4. Emphasizes that refugee protection is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

5. Reaffirms that everyone is entitled to the right to seek and enjoy in other countries asylum from persecution and, as asylum is an indispensable instrument for the international protection of refugees, calls on all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international human rights, humanitarian and refugee law;

6. Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate in efforts to lighten the burden borne by States that have received large numbers of asylum-seekers and refugees;

7. Condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and calls upon States of refuge, with international organizations where appropriate, to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, as well as to abstain from any activity likely to undermine this, inter alia, through effective measures to prevent the infiltration of armed elements, the identification and separation of any such armed elements from refugee populations, the settlement of refugees in secure locations and

affording prompt, unhindered and safe access to them to the Office of the High Commissioner and other appropriate humanitarian organizations;

8. Calls upon States and all concerned parties to refrain from any actions that prevent or obstruct the staff of the United Nations High Commissioner for Refugees and other humanitarian personnel from performing the functions required under their mandates, to take all possible measures to safeguard their physical security and property, to investigate fully any crime committed against them, to bring to justice persons responsible for such crimes and to facilitate the discharge of the mandated functions of the United Nations High Commissioner for Refugees as well as of other humanitarian organizations;

9. Urges all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of her Office to pursue, wherever possible, opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;

11. Recognizes the value of comprehensive regional approaches in which the High Commissioner has played a significant part in both countries of origin and countries of asylum, encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider adopting protection-based comprehensive and regional approaches that conform fully with universally recognized standards and respond to particular regional initiatives, circumstances and protection needs;

12. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and with dignity;

13. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be refugees;

14. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, and, in view of the relationship between safeguarding human rights and preventing conditions that give rise to refugee

outflows, urges the Office of the High Commissioner, within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights, and in view of creating conditions furthering reconciliation and long-term development in countries of return, urges the Office of the High Commissioner to strengthen its cooperation and coordination with relevant development agencies;

15. Calls upon States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and its 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees and encourages the Office of the High Commissioner to continue and strengthen its efforts for the protection of refugee women;

16. Urges States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees, and noting the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death in connection with armed conflict, urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse, and preventing their separation from their families;

17. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States, in particular developing countries, countries in transition and countries with limited resources, that, due to their location, host large numbers of refugees and asylum-seekers, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.

DRAFT RESOLUTION IV

Continuation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolution 47/104 of 16 December 1992, in which it decided to review, not later than at its fifty-second session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1998,

Recognizing the need for concerted international action on behalf of refugees and displaced persons of concern to the High Commissioner,

Considering the outstanding work that has been performed by the Office of the High Commissioner in providing international protection and material assistance to refugees and displaced persons as well as in promoting permanent solutions to their problems,

Noting with deep appreciation the effective manner in which the Office of the High Commissioner has been dealing with various essential humanitarian tasks entrusted to it,

1. Decides to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 1999;

2. Also decides to review, not later than at its fifty-seventh session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 2003.

DRAFT RESOLUTION V

Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995 and 51/73 of 12 December 1996,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable and at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the development of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner in the identification and tracing of unaccompanied refugee minors, and welcoming its effort in reunifying family members of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child[15] and the 1951 Convention[16] and the 1967 Protocol[17] relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General;[18]

2. Expresses its deep concern at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

3. Expresses the hope once again that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;

4. Calls upon the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate policies that aim at preventing refugee family separation into its programmes, conscious of the importance of family unity;

5. Calls upon all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;

6. Urges the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of the unaccompanied refugee minors and for their reunification with their families;

7. Calls upon all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 of the 26th International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;

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[15] Resolution 44/25, annex.

[16] United Nations, Treaty Series, vol. 189, No. 2545.

[17] Ibid., vol. 606, No. 8791.

[18] A/52/273.

8. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

9. Calls upon the Secretary-General, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund and other United Nations organizations and international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

10. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution, and to give special attention to the girl-child refugee in his report.